



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the **6th day of January, 2004**

Applications of

**CORPORATE AIRLINES, INC.
OZARK AIRLINES, INC.
d/b/a GREAT PLAINS AIRLINES
AMERICAN TRANS AIR, INC.
MIDWEST EXPRESS AIRLINES, INC.
AIRTRAN AIRWAYS, INC.
US AIRWAYS, INC.**

For exemptions from 14 C.F.R. Part 93,
Subparts K and S, pursuant to 49 U.S.C.
§ 41718(b), Special rules for Ronald Reagan
Washington National Airport (within-perimeter slot
exemptions)

Served: January 9, 2003

Docket OST-2000-7182

ORDER

SUMMARY

By this order, the Department permits US Airways, Inc. (US Airways), to operate services authorized by Department Orders 2003-7-5 and 2003-10-21, at Ronald Reagan Washington National Airport (DCA) until such time as the Department reallocates the two slot exemptions. The exemption authority was originally granted to Corporate Airlines by Department Order 2003-1-16, issued pursuant to the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21).

BACKGROUND

In early 2003, by Order 2003-1-16 (Jan. 22, 2003), the Department awarded two DCA slot exemptions to Corporate Airlines (Corporate) to provide nonstop service to either Wilmington, Fayetteville, or Jacksonville, North Carolina. While Corporate worked to inaugurate service, the Department, by Order 2003-7-5 (July 2, 2003), granted the request of US Airways to operate the services authorized for Corporate Airlines through October 25, 2003, or until Corporate inaugurated service, whichever came first.

When Corporate informed the Department on October 15, 2003 that it was unable to inaugurate service, the Department issued Order 2003-10-21 (Oct. 17, 2003) extending the *pendente lite* authority of US Airways and instituting a new proceeding to permanently allocate the available DCA slot exemptions that were initially awarded to Corporate. Order 2003-10-21 permitted US Airways to operate service until February 1, 2004, or until Corporate inaugurated service, whichever came first.

The Department received applications for the exemptions made available under Order 2003-10-21, but while review of those applications was still pending, Public Law 108-176 was enacted on December 12, 2003. That law, titled "Vision 100 -- Century of Aviation Reauthorization Act" (Vision 100), altered the criteria for selection of carriers applying for certain within-perimeter exemptions, including those being sought in the pending proceeding. Accordingly, on December 17, 2003, the Department issued a Notice advising that it would allocate these two slot exemptions under the new statutory criteria, within a proceeding that would consider as well applications for the eight (8) additional within-perimeter slot exemptions authorized by Vision 100. The Department further advised that it would allocate, in a separate proceeding, twelve (12) additional beyond-perimeter slot exemptions that were also authorized by Vision 100.

Meanwhile, the Department received a letter from US Airways on December 10, 2003 requesting extension of the carrier's *pendente lite* authority. No objections were filed to US Airways' request. Thus, this Order responds to that request and permits the Department to continue the selection process without interrupting air service. This Order extends the authority of US Airways to operate services authorized by Orders 2003-1-16, 2003-7-5, and 2003-10-21 until such time as the Department has made its selection decision under the new statutory criteria.

This Order is issued under authority delegated in 49 C.F.R. § 1.56(a).

ACCORDINGLY,

1. The Department extends the grant of authority as described in ordering paragraph 1 of Order 2003-7-5, as amended by Order 2003-10-21, until such time as the Department makes a final selection decision in the matter noticed on December 17, 2003¹;
2. This docket will remain open until further order of the Department;
3. Consistent with ordering paragraph 1 above, the flight operations authorized in this order remain subject to all terms and conditions imposed by Orders 2003-1-16, 2003-7-5, and Order 2003-10-21; and

¹ See Notice, Docket No. OST-2000-7182-729 (Dec. 17, 2003).

4. We will serve this order on all interested parties and the Federal Aviation Administration Slot Administration Office.

By:

KARAN K. BHATIA
Assistant Secretary for Aviation
and International Affairs

(SEAL)

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